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Attorney's Docket No.: 05652.P013XCD

Patent

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of: )  
Mark W. Miles )  
Application No.: 10/082,397 )  
Filed: February 25, 2002 )  
For: Visible Spectrum Modulator Arrays )

Assistant Commissioner for Patents  
Box Office of Initial Patent Examination  
Washington, D.C. 20231

**RESPONSE TO NOTICE OF OMITTED ITEM(S) IN A NON-PROVISIONAL  
APPLICATION  
(FILING DATE GRANTED)**

Sir:

In response to the Notice Of Omitted item(s) in a Non-Provisional (Filing  
Date Granted) mailed May 31, 2001, please find enclosed:

- (1) Missing Figure 23E as described in the specification.
- (2) a check in the amount of \$130.00 in payment of the surcharge of  
37 C.F.R. § 1.16(e);
- (3) a copy of the Notice of Omitted Item(s) in a Non-Provisional  
Application;

If any additional fee is required, please charge Deposit Account No. 02-2666. A duplicate of this Response is enclosed for deposit account charging purposes.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Dated: \_\_\_\_\_

  
\_\_\_\_\_  
Stephen De Klerk  
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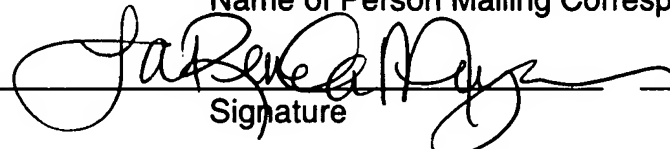
**FIRST CLASS CERTIFICATE OF MAILING**

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage in an envelope addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231

on July 31, 2002  
Date of Deposit

LaRenda Meyer

Name of Person Mailing Correspondence

  
\_\_\_\_\_  
Signature

7/31/02  
Date

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## UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
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| APPLICATION NUMBER | FILING/RECEIPT DATE | FIRST NAMED APPLICANT | ATTORNEY DOCKET NUMBER |
|--------------------|---------------------|-----------------------|------------------------|
| 10/082,397         | 02/25/2002          | Mark W. Miles         | 01568-008003           |

CONFIRMATION NO. 6992

DAVID L. FEIGENBAUM  
Fish & Richardson P.C.  
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Boston, MA 02110-2804

## FORMALITIES LETTER



\*OC00000008211801\*

Adjustment date: 09/20/2002 HTEKLEHI  
08/08/2002 HBELETE1 00000054 10082397  
01 FC:105 -130.00 OP

Date Mailed: 05/31/2002

## NOTICE OF OMITTED ITEM(S) IN A NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

09/20/2002 HTEKLEHI 00000007 10082397

01 FC:12A filing date has been accorded to the above-identified nonprovisional application papers; however, the following item(s) appear to have been omitted from the application:

- o Figure(s) 23E described in the specification.

I. Should applicant contend that the above-noted omitted item(s) was in fact deposited in the U.S. Patent and Trademark Office (USPTO) with the nonprovisional application papers, a copy of this Notice and a petition (and \$130.00 petition fee (37 CFR 1.17(h))) with evidence of such deposit must be filed within **TWO MONTHS** of the date of this Notice. The petition fee will be refunded if it is determined that the item(s) was received by the USPTO.

II. Should applicant desire to supply the omitted item(s) and accept the date that such omitted item(s) was filed in the USPTO as the filing date of the above-identified application, a copy of this Notice, the omitted item(s) (with a supplemental oath or declaration in compliance with 37 CFR 1.63 and 1.64 referring to such items), and a petition under 37 CFR 1.182 (with the \$130.00 petition fee (37 CFR 1.17(h))) requesting the later filing date must be filed within **TWO MONTHS** of the date of this Notice.

III. The failure to file a petition (and petition fee) under the above options (I) or (II) within **TWO MONTHS** of the date of this Notice (37 CFR 1.181(f)) will be treated as a constructive acceptance by the applicant of the application as deposited in the USPTO. **THIS TWO MONTH PERIOD IS NOT EXTENDABLE UNDER 37 CFR 1.136(a) or (b).** In the absence of a timely filed petition in reply to this Notice, the application will maintain a filing date as of the date of deposit of the application papers in the USPTO, and original application papers (i.e., the original disclosure of the invention) will include only those application papers present in the USPTO on the date of deposit.

In the event that applicant elects not to take action pursuant to options (I) or (II) above (thereby constructively electing option (III)), amendment of the specification to renumber the pages consecutively and cancel incomplete sentences caused by any omitted page(s), and/or amendment of the specification to cancel all references to any omitted drawing(s), relabel the drawing figures to be numbered consecutively (if necessary), and correct the references in the specification to the drawing figures to correspond with any relabelled drawing figures, is required. Any drawing changes should be accompanied by a copy of the drawing figures showing the proposed changes in red ink. Such amendment and/or correction to the drawing figures, if necessary, should be by way of preliminary amendment submitted prior to the first Office action to avoid delays in the prosecution of the application.

08/08/2002 HBELETE1 00000054 10082397

01 FC:105

-130.00 OP

Mr. Marshall

**Initial Patent Examination Division (703) 308-1202**

**PART 2 - COPY TO BE RETURNED WITH RESPONSE**